IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :

     Jeffrey A. Bedell *et al.*   : Group Art Unit: 2141

Appln. No. : 09/883,301 :

                      : Examiner: Minh Chau Nguyen

Filed: June 19, 2001 :

For: METHOD AND SYSTEM FOR :
        IMPLEMENTING DATABASE   :
        CONNECTION MAPPING FOR   :
        REPORTING SYSTEMS   :

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Commissioner for Patents
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REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Pursuant to the Pre-Appeal Brief Conference Pilot Program announced in the Official

Gazette, Applicants hereby request a pre-appeal brief conference in the above-referenced case.

This application is appropriate for a pre-appeal brief conference. A brief history of this

application and why Applicants believe that an appeal will succeed are set forth below.

This application was filed almost five years ago on June 19, 2001. On November 23,

2004, an initial office action was issued rejecting all eighteen (18) claims under 35 U.S.C.

§102(e) as being anticipated by Junkin (U.S. Patent No. 6,493,717) "Junkin".

Despite an attempt to distinguish this application from the cited references, the Office

issued a final office action rejecting the claims in view of "Junkin" that is certain to be

overturned on appeal. Currently, claims 1-18 stand rejected under §102(e) as being unpatentable

over Junkin (U.S. Patent No. 6,493,717). Rather than further time being spent addressing this reference, Applicants have elected to pursue the new pilot program.

As set forth in Applicants' response dated May 23, 2005, the cited reference fails to teach or suggest numerous recitations of the pending claims. In particular, Applicants respectfully submit that Junkin does not disclose "controlling access to at least one database through a centralized server wherein the centralized server maps the user to at least one appropriate database based on the user request and at least one database connection definition," as set forth in independent Claim 1. In contrast to the pending claims, Junkin connects to a single database the identity of which is specified by an argument provided by the user. *See, e.g.* Junkin Col 10, Lines 18-19, ("There can be only one database acted upon on at a time); Col. 10, Lines 13-17, ("The 'db' parameter (passed as 'db') represents the active or requested database.") Applicants respectfully submit that "map[ping] the user to at least one appropriate database based on the user request", as recited in the pending claims, is not the same as connecting to a database specified by the user as is disclosed in Junkin.

For example, in one embodiment of the systems and methods described in the application the "analytical engine 104 may communicate with query engine 106, which in turn interfaces to one or more data storage devices" *See* Page 7, lines 5-6. An illustrative embodiment of "map[ping] the user to at least one appropriate database based on the user request" is disclosed further in the specification to include:

> the query engine 106 .. determin[ing], for instance, whether the transmitted query may be processed by one or more resources of the data storage devices 108a, 108b ...108n in its original format. If so, the query engine 106 .. directly transmit[ting] the query to one or more resources of the data storage devices 108a, 108b ... 108n for processing.
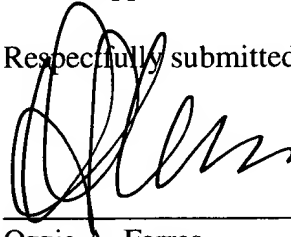
See Page 8, lines 20 - Page 9, Line 2. Other elements of mapping described in the specification may include translating the user query "from an original syntax to syntax compatible with one or more of the storage devices." *See* Page 9, lines 4-5. Accordingly, applicants respectfully submit that "map[ping] the user to at least one appropriate database based on the user request" is not the same as connecting to a database specified by the user by passing arguments specifying the database name as is done in Junkin. For at least these reasons, Applicants respectfully submit that claim 1 is allowable over the cited references.

Independent claims 7 and 13 recite similar limitations, and are thus allowable for at least the reasons set forth above in connection with claim 1. These combinations of claim limitations are not disclosed by Junkin. Accordingly, the Office Action has failed to show that Junkin discloses each and every claim limitation recited by Applicants. Claims 2-6, 8-12 and 14-18 all depend ultimately from one of independent claims 1, 7 and 13. As such, each of these dependent claims contain each of the features recited in the independent claims. Additionally, these claims are separately patentable over Junkin. For example, regarding dependent claim 6, the office action states "Junkin teaches the system creates SQL queries to be sent to an SQL database. Moreover, there are many SQL databases into the end-user databases." *See* Office Action Page 5, paragraph 3. Therefore, the Office Action alleges a number of queries would be created to be sent to those databases. *See* id. Applicants respectfully submit, however, that multiple queries and/or multiple databases does not teach load balancing among the queries or load balancing among the databases as set forth in dependent claim 6. Applicant further submits that multiple queries is not the same thing as load balancing as set forth in dependent claim 6. In addition, Applicants respectfully submit that the Office Action rejection of dependent claim 6 amounts to

an improper inherency rejection. The rejection of claims 1-18 under 35 U.S.C. § 102(e) should

be withdrawn and the claims allowed accordingly.

For these reasons, Applicants request an appeal conference be convened to advise

Applicants whether the Office will 1) allow the present claims, 2) reopen prosecution and issue a

new office action or 3) allow this case to proceed to appeal.

Respectfully submitted,

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